

**UNITED STATES DISTRICT COURT
IN THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

FERNANDO ALEMAN,
Petitioner

v.

NATHANIEL QUARTERMAN,
DIRECTOR TDCJ-ID,
Respondent

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C.A. No. C-06-549

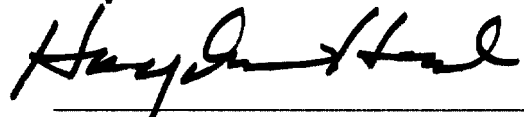
**ORDER GRANTING RESPONDENT'S MOTION TO DISMISS AND DENYING
PETITIONER'S MOTION FOR SUMMARY JUDGMENT**

On May 22, 2007, the United States Magistrate Judge filed a Memorandum and Recommendation in this case (D.E. 15). Petitioner did not file objections. The Court regards such omission as Petitioner's agreement with and acceptance of the Magistrate Judge's findings.

Having reviewed the pleadings on file, the Court finds no clear error in the Magistrate Judge's memorandum. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1420 (5th Cir. 1996)). The Court adopts the findings and conclusions of the Magistrate Judge.

Respondent's motion to dismiss is GRANTED (D.E. 12). Petitioner's motion for summary judgment is DENIED (D.E. 13). Petitioner's application for habeas corpus relief is DISMISSED (D.E. 2, 3). If Petitioner seeks a certificate of appealability, it is DENIED.

ORDERED this 24 day of July, 2007.

A handwritten signature in black ink, appearing to read "Hayden Head", written over a horizontal line.

HAYDEN HEAD
CHIEF JUDGE